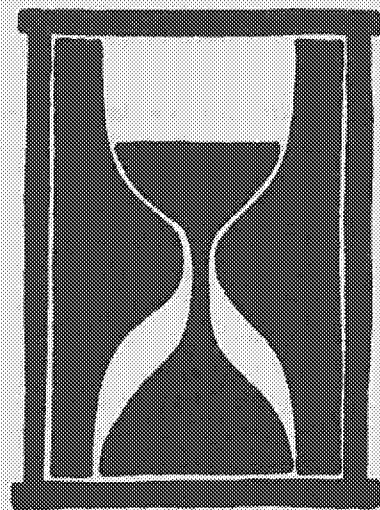
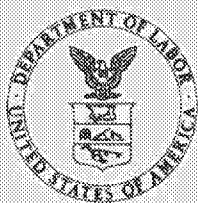


**A
QUICK LOOK
AT
HOURS WORKED**
UNDER THE
**FAIR LABOR
STANDARDS ACT**
AS AMENDED IN 1966



76

exhibitstick.com

UNITED STATES DEPARTMENT OF LABOR
W. Willard Wirtz, Secretary

WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

WHPC Publication 1199 ★ Printed April 1967

This pamphlet is for general information and is not to be considered in the same light as official statements of position contained in Interpretative Bulletins and other such releases formally adopted and published in the Federal Register.

Compliance with this law does not excuse noncompliance with State or local laws.

Highlights of the Fair Labor Standards Act

The Fair Labor Standards Act sets minimum wage, maximum hours, overtime pay, equal pay, and child labor standards for employment subject to its provisions.

COVERAGE AND EXEMPTIONS

The Act covers every employee engaged in interstate or foreign commerce or in the production of goods for such commerce, and all employees in certain enterprises.

The Act provides exemptions from its standards for employees in certain types of employment.

WAGE AND HOUR STANDARDS

Unless exempt, a covered employee must be paid a minimum wage and not less than one and one-half times his regular rate of pay for his overtime work. The minimum wage and maximum hours standards are different for different types of employment.

EQUAL PAY STANDARD

An employer, having employees subject to the minimum wage requirements of the Act, may not discriminate on the basis of sex by paying employees of one sex wages at rates lower than he pays employees on the other sex for doing equal work on jobs requiring equal skill, effort, and responsibility which are performed under similar working conditions. This applies to all employees within the establishment who are subject to the minimum wage provisions of the Fair Labor Standards Act.

CHILD LABOR STANDARDS

The basic minimum age for employment is 16 except for occupations declared hazardous by the Secretary of Labor, to which an 18-year minimum age applies. Minors 14 and 15 years of age may be employed under certain condi-

tions. There are special provisions limiting employment of young persons in agriculture, and permitting employment as actors or performers and in the delivery of newspapers to consumers. Where both Federal and State child labor laws apply, the higher standard must be observed.

RECORD KEEPING

Every employer must maintain accurate records of earnings, hours worked, and other data required by the Regulations, Part 516. An official "NOTICE TO EMPLOYEES" furnished by the Wage and Hour and Public Contracts Divisions must be posted where employees can readily see it.

ENFORCEMENT

Failure to pay the statutory minimum wage and overtime compensation results in cumulative back wage liabilities. Unpaid wages may be restored under the supervision of the Secretary of Labor or recovered through court action brought by the Secretary or the employees. Serious violations of the law may result in civil or criminal action. Records required by the law must be available for inspection by representatives of the Divisions.

DO WORKERS GET PAID FOR

- *Waiting Time?*
- *Travel Time?*
- *Lunch Hour?*

HERE ARE THE ANSWERS

Employees who are entitled to the benefits of the pay provisions of the Fair Labor Standards Act must be paid for all hours worked. Here are some of the more important rules on what time to count when computing minimum wage and overtime pay.

THE BASIC RULE

COUNT as hours worked:

All time the employee spends working on his job.

All time the employee is required to be at his place of work or on duty.

Under the Fair Labor Standards Act, the employee should be paid for all the time he spends:

Doing his job.

Getting ready to work. This includes such make-ready work as cleaning and oiling machines, saw filing, setting up machines, lighting fires in heating and pressing equipment, laying out his own work or that of another employee, and assembling materials.

Learning his job. While learning, he should be paid for watching others as well as for doing the work himself.

Correcting his or others' work.

Preparing time slips, work tickets, and production sheets.

Getting medical care. The time the worker spends waiting for and receiving medical care should be counted as hours worked if he is treated at his place of work or at his employer's direction during his work day.

COUNT IT AS HOURS WORKED IF . . .

Breakdown Time

The worker must stand by until the breakdown is repaired.

He is assigned another task during the breakdown.

The time is too short or its length too indefinite for the worker to use the time effectively for himself.

WAITING TIME

The worker must remain on hand until work has been prepared for him.

MEAL TIME

The worker must work at meal time. Example: An operator who must tend his machine while he eats.

The worker isn't allowed enough time to eat. Usually 30 minutes is considered time enough to eat.

The worker does company business at meal time. Example: A worker who makes a bank deposit for his firm. In this case, however, the time the worker spends eating, if it is sufficient, is not counted as hours worked. But extra time spent going to and from and at the banks would be time worked.

CHANGING AND WASHING TIME

The worker must change clothes or wash on the firm's premises before or after working. This sometimes is required by the employer, by local law, or by the nature of the work. Some work must be done with special clothing, such as asbestos suits.

TRAVEL TIME

The employee drives a vehicle or rides as a helper, on the employer's business.

The worker has to travel from job to job during his workday.

The worker must carry heavy or bulky equipment while traveling.

Time spent carrying heavy or bulky packages to or from the post office also counts as time worked.

The employee works while traveling. Example: Taking care of livestock in transit.

The worker is called to make an emergency trip to a customer's house or place of business, outside regular working hours.

The worker is given a special one-day assignment in another city.

An employee, on a trip that takes him away from home overnight, travels during his regular working hours or the corresponding hours on Saturdays and Sundays.

DON'T COUNT IT AS HOURS WORKED IF . . .

The worker is told during the breakdown that he may leave for a specified time, which is long enough to use effectively for his own purposes.

The worker is waiting to be hired or waiting on his own initiative to see if work will be available.

The worker is told he is free to leave for a definite time, which is sufficiently long for effective use.

The employee has a meal time free of duties and is not subject to call. The meal period must be long enough, usually at least 30 minutes to allow him to eat. Meal time free of duties need not be counted as working time even if the employee eats where he works.

The worker's changing and washing time is expressly excluded as time worked by his collective bargaining agreement, or by custom or practice under it. If the worker changes or washes only for his own convenience, it need not be counted as time worked.

The worker travels to his regular job in the morning and returns home at the end of the day.

The worker is asked to mail a few letters on the way home.

The worker travels as a passenger outside his working hours.

HOLIDAYS, VACATIONS, AND ILLNESS

Nothing in the law requires an employer to pay an employee for hours not worked because of holidays, vacation, illness, lack of work, or other similar reasons.

A FEW WORDS ABOUT TIMECLOCKS AND TIME KEEPING

The law requires that a record be kept of hours worked in each workday and each workweek. A workweek is a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods. Any method of keeping time records is all right, as long as it is accurate and shows all hours worked.

TIMECLOCKS are good means of recording work hours, but they are not required. If there is a timeclock, note that:

In addition to the timecard punches, hours worked in the workday and workweek should be written down.

These figures may be noted on the timecard itself or on another record.

Timecard punches often do not show the true hours of an employee's work. Many times, workers arrive early at the plant for personal reasons and punch in right away, but they don't start work until their shifts begin. This kind of early punching may be disregarded in reckoning hours worked. On the other hand, a worker who punches in and out with his shift may set up machines, thread needles, or make repairs before or after punching. In that case, the time doing the make-ready work should also be counted. This also would be true of work done during lunch hours.

If an employee works but doesn't punch his card, the time he spends on his job still must be counted as hours worked. As far as the law is concerned, the important thing is whether the employee actually worked, not whether he correctly used a time record device.

When workers are credited with more or fewer hours of work than the timecard punches show, and when there is a discrepancy of more than a few minutes, a brief note should be made on the timecard to explain the difference. This will avoid disputes about the time actually worked.

This folder highlights some problems about counting hours worked. The WHPC Divisions also have an Interpretative Bulletin, Part 785, on "Hours Worked". If you want this bulletin or have any other questions about the Fair Labor Standards Act, write to the Divisions' nearest office. A list of the offices will be found on the following page.

WHERE TO OBTAIN FURTHER INFORMATION

Offices of the Wage and Hour and Public Contracts Divisions are located in:

State	Regional Office	Field Office
Alabama	Birmingham	Birmingham, Mobile, Montgomery.
Alaska	San Francisco, Calif.	Anchorage.*
Arizona	San Francisco, Calif.	Phoenix.
Arkansas	Birmingham, Ala.	Little Rock.
California	San Francisco	Hollywood, Long Beach, Los Angeles, Oakland, Sacramento, San Francisco, Whittier.
Colorado	Kansas City, Mo.	Denver.
Connecticut	Boston, Mass.	Hartford.
Delaware	Chambersburg, Pa.	Philadelphia, Pa.
District of Columbia	Chambersburg, Pa.	College Park, Md.
Florida	Atlanta, Ga.	Jacksonville, Miami, North Miami, Tampa.
Georgia	Atlanta	Atlanta, Columbus, Hapeville, Savannah.
Hawaii	San Francisco, Calif.	Honolulu.
Idaho	San Francisco, Calif.	Portland, Oreg.
Illinois	Chicago	Chicago, Springfield.
Indiana	Chicago, Ill.	Indianapolis, South Bend.
Iowa	Kansas City, Mo.	Des Moines.
Kansas	Kansas City, Mo.	Wichita.
Kentucky	Nashville, Tenn.	Lexington, Louisville.
Louisiana	Birmingham, Ala.	Baton Rouge, New Orleans, Shreveport.
Maine	Boston, Mass.	Portland.
Maryland	Chambersburg, Pa.	Baltimore, College Park.
Massachusetts	Boston	Boston, Springfield.
Michigan	Chicago, Ill.	Detroit, Grand Rapids.
Minnesota	Chicago, Ill.	Minneapolis.
Mississippi	Birmingham, Ala.	Jackson.
Missouri	Kansas City	Kansas City, St. Louis.
Montana	Kansas City, Mo.	Salt Lake City, Utah.
Nebraska	Kansas City, Mo.	Omaha.
Nevada	San Francisco, Calif.	Sacramento, Calif.
New Hampshire	Boston, Mass.	Manchester.
New Jersey	New York, N.Y.	Newark, Paterson, Trenton.
New Mexico	Dallas, Tex.	Albuquerque.
New York	New York	Bronx, Brooklyn, Buffalo, Hempstead, New York, Syracuse.

*Field Station.

<i>State</i>	<i>Regional Office</i>	<i>Field Office</i>
North Carolina	Atlanta, Ga.	Charlotte, Greensboro, Raleigh.
North Dakota	Kansas City, Mo.	Sioux Falls, S. Dak.
Ohio	Chicago, Ill.	Cincinnati, Cleveland, Columbus.
Oklahoma	Dallas, Tex.	Oklahoma City, Tulsa.
Oregon	San Francisco, Calif.	Portland.
Pennsylvania	Chambersburg	Harrisburg, McKeesport, Philadelphia, Pittsburgh, Wilkes-Barre.
Rhode Island	Boston, Mass.	Providence.
South Carolina	Atlanta, Ga.	Columbia.
South Dakota	Kansas City, Mo.	Sioux Falls.
Tennessee	Nashville	Knoxville, Memphis, Nashville.
Texas	Dallas	Corpus Christi, Dallas, El Paso, Fort Worth, Houston, San Antonio, Waco.
Utah	Kansas City, Mo.	Salt Lake City.
Vermont	Boston, Mass.	Springfield, Mass.
Virginia	Nashville, Tenn.	Richmond, Roanoke.
Washington	San Francisco, Calif.	Seattle.
West Virginia	Nashville, Tenn.	Charleston, Clarksburg.
Wisconsin	Chicago, Ill.	Madison, Milwaukee.
Wyoming	Kansas City, Mo.	Salt Lake City, Utah.
Canal Zone	Santurce, P.R.	
Puerto Rico	Santurce	Santurce, Mayaguez.
Virgin Islands	Santurce, P.R.	
Guam	San Francisco, Calif.	Honolulu, Hawaii.
Wake Island	San Francisco, Calif.	Honolulu, Hawaii.
American Samoa	San Francisco, Calif.	